

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA,)	Criminal No. 19-295 (PJS/TNL)
)	
Plaintiff,)	
v.)	DEFENDANT’S NOTICE OF INTENT
)	TO PRESENT AN ENTRAPMENT
JULIA RENE AYERS,)	DEFENSE
)	
Defendant.)	

Julia Rene Ayers, by and through her attorney, submits her notice of intent to present an entrapment defense in the above-captioned matter. Although the Federal Rules of Criminal Procedure do not require notice of an entrapment defense, Ms. Ayers provides this notice because she intends to present evidence that she was (1) induced to commit the crime by a government agent; and (2) was not otherwise predisposed to commit the crime. *Mathews v. United States*, 485 U.S. 58, 62-63 (1988).

The entrapment defense is a judicially-created limitation on government activity. *United States v. Russell*, 411 U.S. 423, 430-35 (1973); *United States v. Brooks*, 215 F.3d 842, 845 (8th Cir. 2000). The defense is premised on “the notion that Congress could not have intended criminal punishment for a defendant who has committed all the elements of a proscribed offense but was induced to commit them by the Government.” *Russell*, 411 U.S. at 435. An individual who has been hired by the government as an informant is a government agent for entrapment purposes. *See Sherman v. United States*, 356 U.S. 369, 373-376 (1958).

Ms. Ayers is indicted with one count of being a Felon in Possession of Firearms pursuant to 18 U.S.C. § 922(g)(1). Thus, since Ms. Ayers was not predisposed to possessing firearms and had never been found to be in possession of a firearm in the past, she intends to present the defense that she was repeatedly solicited and induced to find firearms and sell them to the government agent – a ruse to entrap her with the possession of said firearms so the government agent could receive a benefit.

Dated: December 11, 2019

Respectfully submitted,

s/Shannon Elkins

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